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ABSTRACT

The Bilingual Vocational Curriculum and Instructional Center Program, initiated in the Los Angeles City Schools in 1975, was established to provide supportive services for limited English speaking students enrolled in district vocational programs. The program provides instructional aides to assist disadvantaged students in vocational classes in order to improve the educational performance and enhance the employability potential of students assisted. The program handbook was developed by teachers and designed for use by administrators, teachers, and instructional aides. It provides information in four areas: (1) background (defining bilingual education, goals, and project scope); (2) descriptions of disadvantaged vocational students (academic, social, economic, and cultural) and characteristics of the disadvantaged (attitude, education, and social); (3) the roles and delineation of roles of teachers and aides in the program; and (4) program accountability and evaluation. The handbook also provides supplementary material which includes information on audiovisual techniques, relevant laws affecting aides and teacher preparation, DHEW policy statements, and the text of the Lou V. Nichols Supreme Court Decision. (Author/AJ)

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COMMITTEE HSE

LOS ANGELES UNIFIED SCHOOL DISTRICT
DIVISION OF CAREER AND CONTINUING EDUCATION
CAREER EDUCATION SERVICES UNIT

1975-76

BILINGUAL VOCATIONAL CURRICULUM AND INSTRUCTION CENTER

Handbook

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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ACKNOWLEDGEMENTS . . .

The Bilingual Vocational Curriculum and Instruction Center (BVC) Program, initiated in the Los Angeles City Schools in the fall semester of 1975, has been established to provide Bilingual Vocational Education supportive services for limited English speaking students enrolled in district vocational programs within the framework of the District Plan for Vocational Education.

Recognition for the development of the content of this Handbook is given to the teachers who presented their ideas and shared in formalizing the ideas into handbook form. These individuals were Richard Acuna, Robert Elroy, Lynne Friedman, Barbara Harrison, Vertia Nichols, Bennie Ross, Robert Stickley and Marlene Young. Instructional Aides who helped make this handbook possible were Guillermo Gil, Debbie Schlesinger, and Larry Nishimura. The Cover was designed by Frank Gonzales, Graphic Artist, from City Demonstration Agency.

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Director
Career Education Services Unit

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INTRODUCTION

Concern for the student with limited English-Speaking skills was offi-
cially expressed by President Lyndon B. Johnson on January ?, 1968. (
day, the president signed into law the Bilingual Education Act which
Title VII of the Elementary and Secondary Act (ESEA). n that ecame

The enactment of Title VII of ESEA provided a means for students with limited English skills to participate in the academic program of thei schools.

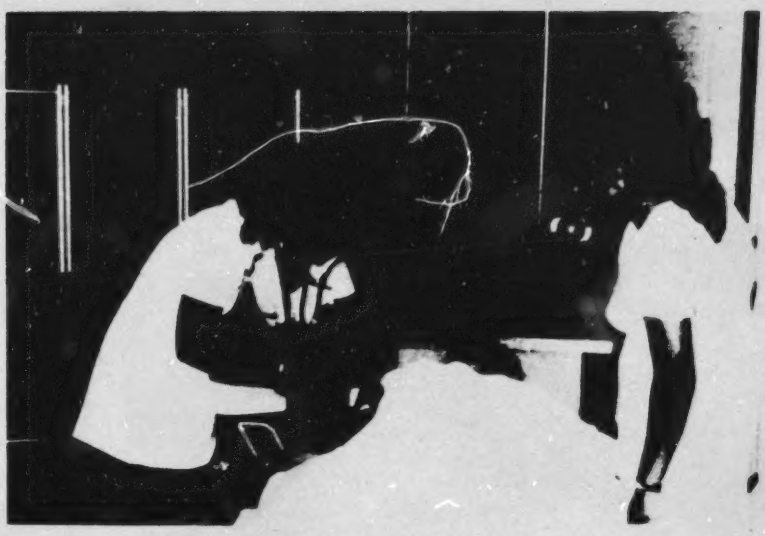
In 1968, a second event took place which provided a vehicle for students with limited English communication skills to participate in the "non-academic" offerings of the schools. This event was the 1968 amendments to the Vocational Education Act (VEA) of 1963 which stipulated that at least 15% of the district's Part B entitlement must be used to assist disadvantaged students in Vocational Education. In addition, the Act, under Part A, made available funds for the disadvantaged on a project basis.

Under the Act, students who are unable to succeed in their regular vocational program because of a disadvantage , as defined in the Act, are eligible for special assistance under the 15% set-aside funds, a part A project, or both.

Students with language handicaps were given additional consideration in the 1974 LAU V. Nichols Supreme Court decision which barred discrimination which has the effect of denying equal education, "even though no purposeful design is present."

In 1974 Part J of the Vocational Education Act came into existence, it provides funds to serve a dual purpose: "(a) to make available new bilingual vocational training programs to persons of limited English-Speaking ability; and (b) assist such persons in their pursuits of vital occupational categories."

The Bilingual Aide - Key to Success



Career Education and Bilingual Communication

PURPOSE OF THE HANDBOOK

The BVC Program handbook is designed for use by administrators, teachers, and instructional aides, and

- provides background, goals, definitions and laws concerning Bilingual Education.
- provides information on the use of the aides in Bilingual Education Programs presenting goals for their most effective utilization.
- defines legal responsibilities of teachers and the aides within the BVC Program.
- provides information on program accountability and evaluation.
- provides supplementary material which includes information on the instructional aide job description, audio-visual techniques, referral agencies, and an annotated bibliography.

PROGRAM GOALS

The goal of the BVC Program is to improve the educational performance and enhance the employability potential of students assisted. More specifically, providing instructional aides to assist disadvantaged students in vocational classes should lead to their improvement in one or more of the following areas:

1. Attitude and Initiative - The student is able to develop a positive attitude and inward direction in his educational and employment endeavors.

2. Cooperation - The student develops a more cooperative behavior with his peers and teachers.

3. Attainment of Job Skills - The student takes advantage of opportunities to gain job skills.

4. Quality of Course Work - The studnet begins to take pride in the quality of his course work.

5. Quantity of Course Work - The student learns to utilize his time efficiently in the completion of assigned tasks.

6. Attendance - The student learns to practice good attendance which will lead to success in education and the world of work.

DEFINING BILINGUAL EDUCATION

Bilingual-bicultural education is a process which uses a student's primary language and culture as the principal source of instruction while at the same time systematically and sequentially teaching the language of the predominant culture. This teaching process will provide an environment within which students can foster their cultural heritage and which will enable them to become bilingual while facilitating conceptualization in the language best known to them. This approach offers students the opportunity to become bilingual-bicultural citizens.

Proficiency in the child's natural language is essential for true bilingual-bicultural education and should be developed continuously throughout the child's sensitive language period, especially from the beginning of formal school experience. This is not a new philosophy, but rather an old philosophy experiencing a renaissance as supported by empirical evidence which has shown that bilingual-bicultural education accelerates cognitive and affective growth.

DEFINING BILINGUAL EDUCATION

Bilingual education will have to be defined in a manner which allows for its clarification and use, and its differentiation from English as a Second Language (ESL) programs. ESL programs primarily consist of a course of study while bilingual education is a philosophical approach which supports the concept of instruction in two languages being good for all children and as such represents a full-time activity.

TYPES OF BILINGUAL EUDCATION

Maintenance versus Transitional Bilingual Education. The transitional approach emphasizes instruction in the native language but has as its goal competency in English. The federal guidelines in bilingual education funding have adopted this concept which represents a repair syndrome approach by verging on being compensatory. The maintenance approach has as its goal scholarliness in two languages; all subjects are tuaght in two languages and for non-English speaking children the English language is acquired as a part of the acquisition of two languages.

APPROACHES TO BILINGUAL EDUCATION

Service versus Capacity Approach. Service type programs simulate compensatory Title I programs because they supplant educational programs and subsequently fall into the repair syndrome category. Capacity type programs recognize local responsibility as the principal agent of providing bilingual programs. The federal government has chosen to view capacity type programs as the primary avenue for bilingual education to be funded.

GENERAL PROGRAM GOALS

The goals and concepts of bilingual-bicultural education must emphasize and reflect a philosophy of cultural pluralism. Specifically, the bilingual-bicultural program must seek and pursue goals and objectives that clearly promote the ability to function effectively within many cultures. It must also be understood that English and other second-language programs are integral parts of a well organized bilingual-bicultural education program.

The bilingual-bicultural curriculum must meet the varied needs of students with different languages, cultures, and life styles. It should utilize the dominant language of the child as a medium of instruction in order to avoid premature and therefore unsuccessful experiences with the second language which could be detrimental in learning that language. It should be well articulated from level to level, so that students will attain the prerequisite skills for proceeding to higher levels.

As general goals, students should:

- Develop the ability to realize to the fullest their human potential in more than one culture and language as individuals, learners, and citizens in a multilingual-multicultural society.

- Acquire an understanding and acceptance of different cultures and the ability to relate to people of diverse cultures.

- Preserve and strengthen their self-image and sense of human dignity.

- Develop pride in family, community, and school as an extension of self.

- Interact in multilingual-multicultural social settings.

- Believe in their ability to influence their environment.

- Develop dominant and second language communication skills - one of the languages to be English.

- Acquire the incentive and academic skills to pursue post-secondary education if they so desire.

DEFINING BILINGUAL VOCATIONAL TRAINING

"Bilingual Vocational training" means training or retraining which is conducted as part of a program designed to prepare individuals of limited English-speaking ability for gainful employment as semi-skilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations, but excluding any program . . . generally considered professional which requires a baccalaureate or higher degree.

SCOPE OF THE PROJECT

The district presently has several high schools at which the majority of the students have limited English speaking ability. The schools are: Lincoln, Garfield, Roosevelt, Huntington Park, San Fernando, and Wilso- High School. The primary language of 27% to 65% of the students in these high schools is Spanish. According to the 1970 census of the Los Angeles metropolitan area, 38 percent of the area's Mexican-Americans 25 years of age and older have completed eight years of schooling or less, only 25 percent have attended school through the twelfth grade. Mexican-Americans have a median level of 9.2 years of schooling as compared with 12.3 for the nation. Unemployment is currently over 25 percent in crowded sections of this community. The dropout rate varies between 35% and 55% from these schools.

Participation of Mexican-American in the professional technical and skilled fields is lagging considerably. The primary reason for this low rate of participation is simply that the schools' offer instruction only in English.

This project will provide a bilingual instructional media center to make available the following services: (1) Commercially produced vocational education books, films, filmstrips, and cassettes; (2) translating services for materials not available commerically; (3) bilingual tutoring in vocational subjects; (4) bilingual instructional aides to assist teachers in vocation classes; (5) bilingual training in simulated employment job interviews.

Congress, in enacting the Vocational Education Amendment of 1968, clearly expressed its intent that high priority be given to those that are disadvantaged. They recognized the failures in our society caused by the lack of proper motivation or meaningful assistance in preparing students for the world of work. The Amendments specify that Part A and at least 15 percent of every state's allotment of Vocational Education Part B fund shall be used for disadvantaged persons. The term "disadvantaged", as stated in the legislation means persons who have academic, social, economic, and cultural handicaps which prevent them from succeeding in regular vocational education programs.

Individuals classified as disadvantaged, must meet the following conditions:

1. Be enrolled in a regular vocational program.
2. Be identified as not succeeding in the Vocational programs according to established program standards.
3. Be identified as to their disadvantage: as academic, socio-economic, cultural, or other handicaps that prevent them from succeeding in regular vocational education programs.

In order to insure the proper use of the 15 percent earmarked for the disadvantaged, the California State Department of Education has asked school districts which use the set-aside funds to maintain records which verify special assistance to disadvantaged persons.

The School District, therefore, has a two fold task. (1) The disadvantaged person must be identified by guidelines listed in the California

State Plan for Vocational Education. (2) The assistance he receives must be documented.

The Los Angeles Unified School District's Career Education Services Unit has recommended the use of instructional aides as a means of providing special assistance to the disadvantaged student.

The BVC Program supports vocational programs in existence at selected senior high schools, *(Efforts are concentrated on those students enrolled in vocational courses identifiable as disadvantaged, and not succeeding.)*

The primary beneficiaries of the program are disadvantaged students. Their lack of success requires specially designed educational programs, related services, or both in order for them to benefit from a vocational education program. Other beneficiaries are the teachers, class, school, and community.

DESCRIPTION OF DISADVANTAGED STUDENTS

The connotations of the term disadvantaged is adverse to some individuals. This negative projection is probably the result of the term's overuse, its previous applications, or its relationship to failure. The Vocational Education Amendments of 1968, however, specify that the term disadvantaged should apply to students who are not succeeding in vocational programs. The term disadvantaged includes persons whose needs for such programs or services result from poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large. Ethnicity, income, or geographic locus are not primary determining factors. A student from a high income family who has a reading problem or lacks self-confidence in his vocational training is disadvantaged according to Vocational Education Amendment standards. The student's failure to succeed in the vocational class is cause for providing assistance beyond the regular program.

Academically disadvantaged persons are those who are not succeeding or are unable to succeed in a regular vocational education program because of at least one educational difficulty. Persons in this category may have one or more of the following characteristics:

1. Language Difficulty (in speaking and/or comprehension) in using Standard English. Persons who are experiencing difficulty with verbal communication which impairs their capacity to learn vocational skills. Persons in this subcategory may have one or more of the following characteristics on a continuing basis:

   (a) Poor speech and/or limited formal vocabulary
   (b) Inability to use the formal language effectively in school
   (c) Serious language difficulties
   (d) Linguistically isolated from the population at large

(e) English as a secondary language. (Persons whose language difficulty can be remediated by teaching English as a second language)

(f) English as a primary language. (Persons whose language difficulty can be remediated by programs designed to increase language proficiency)

2. Reading and/or Writing Difficulty. Persons experiencing difficulty with reading and writing which impairs their capacity to learn vocational skills. Persons in this subcategory may have one or more of the following characteristics on a continuing basis:

(a) Poor reading ability and limited formal vocabulary
(b) Unable to read or write well enough to compete with peers
(C) Serious reading difficulties (possibly illiterate)
(d) Inability to write or communicate in writing
(e) English as a second language. (Persons whose reading and/or writing difficulty can be treated by teaching English as a second language or by programs designed to achieve proficiency)
(f) English as a primary language. (Persons whose reading and/or writing difficulty can be treated by programs designed to increase proficiency)

3. Computational Difficulty Determined in Technical or Vocational Mathematics. Persons whose educational background in mathematics is not adequate to perform at the level required by the vocational education program. Persons in this subcategory may have one or both of the following characteristics on a continuing basis:

(a) Serious difficulties in comprehending computational concepts
(b) Insufficient computational skill to compete

4. General Educational Difficulties as Applicable to Vocational Education. Persons whose general educational difficulties prevent their success in vocational educational classes have one or more of the following characteristics on a continuing basis:

(a) Unemployed or underemployed and needs training
(b) Low achievement scores
(c) Poor attendance record
(d) School dropout
(e) Potential school dropout
(f) Unaware of educational procedures and/or opportunities
(g) Parents or guardian unable to give guidance and support due to their own lack of education, training, or employment or general absence from the home

Socially disadvantaged persons are those who, through present and/or past experience, have developed attitudes which severely limit their ability to perform successfully in a vocational education program. These attitudes may be aggressive or passive.

1. Aggressive attitudes may be those characteristics which are exhibited by antisocial or disruptive behavior. Persons in this subcategory may have one or more of the following characteristics on a continuing basis:

   (a) High incidence of involvement with the criminal justice system
   (b) Defiance of rules and regulations
   (c) Persistence in trying to dominate the classroom activities
   (d) Unrestrained behavior
   (e) Socially assertive and unconventional actions
   (f) Distrust of the school program

2. Passive attitudes may be those characteristics which are exhibited by an apathetic behavior. Persons in this subcategory may have one or more of the following characteristics on a continuing basis:

   (a) No interest in learning or schoolwork
   (b) Discouraged in schoolwork
   (c) A poor attendance record
   (d) A negative attitude toward learning
   (e) No personal motivation or is indifferent
   (f) A potential dropout
   (g) Persistently truant from home and/or school
   (h) A poor self-image
   (i) Overly sensitive to constructive criticism
   (j) No experience with successful examples of his own ethnic group
   (k) An underachiever
   (l) Personal interrelationship problems
   (m) Other identified disadvantagements, such as ill health, poor nutrition, broken home, out-of-wedlock pregnancy, or underemployment

Economically disadvantaged persons are those who are not succeeding or cannot succeed in a regular vocational education program, with emphasis on persons from economically depressed areas. Persons in this category may have one or more of the following economic problems on a continuing basis:

1. Geographical isolation
2. Need of economic assistance to enter or stay in school
3. Unemployed or underemployed
4. Family income is below poverty line

Culturally disadvantaged persons are those whose cultural mores are such that exclude the person from achieving success with his peer group. Persons in this category may have one or more of the following characteristics on a continuing basis:

1. Patterns of speech which may represent ethnic or regional isolation.
2. Personal standards which conflict with the prevailing cultural mores.
3. Cultural dress modes or other behavior patterns that conflict with program requirements.

The term disadvantaged does not include physically or mentally handicapped persons unless such persons also suffer from the handicaps described in this paragraph.

CHARACTERISTICS OF DISADVANTAGED

Many of the environmental and family characteristics described have adverse effects on disadvantaged youth and contribute to their educational impairment. It affects their attitudes, physical and mental health, and their educational and occupational aspirations and achievement. Some of these characteristics are presented in this section of the handbook.

A. Attitudes
   1. Disadvantaged youth have a view of society limited by their immediate family and neighborhood. There they see struggle for survival as the major objective. Their world or society at large (Goldberg, 1967). Dependence upon welfare, crime, gang warfare are frequently considered essential for survival and recognition.

   2. The unstable family situation results in the development of disadvantaged youth who are insecure, aggressive, and delinquent (Clark, 1970).

3. Disadvantaged youth tend to live in the present and are unable to project expectations into the future and defer immediate gratification for later well-bing (Goldberg, 19[illegible]7).

4. Disadvantaged youth develop a negative self-image. Discrimination, failure of parents and friends to succeed economically and socially, and failure to achieve in scho[illegible]ol are all contributing elements (Goldberg, 1967.)

5. The activities of disadvantaged youth are not supervised closely by parents or adults. However, they are used to harsh forms of corporal punishment, since their parents ar[illegible]ore authoritarian than middle class families (Ausubel and Ausubel, 1968).

6. Parents and associates place no great value on education [illegible]ind do not genetally encourage high aspirations for academic [illegible]ind vocational success, financial independence or social reco[illegible]- nition (Ausubel and Ausubel, 1968). As a consequence dis[illegible]id- vantaged youth develop similar attitudes.

7. Lower class children tend to develop ambivalent attitudes toward authority (Ausubel and Ausubel, 1968).

8. Disadvantaged students have very little preparation eithe[illegible]r for recognizing the importance of schooling in their live[illegible]s or being able to cope with the kinds of verbal and abstra[illegible]ct behavior which schools frequently demand (Goldbert, 1967).

B. Education

1. Disadvantaged youth have a better than 50-50 chance of be[illegible]com- ing "dropouts" by the end of the 10th grade (Newton, 1964[illegible]).

2. Disadvantaged students frequently perform several years b[illegible]elow grade expectancy on verbal tests, but often demonstrate n[illegible]ormal learning potential on non-verbal tests (Newton, 1964). I[illegible]n Harlem, it is estimated that 85 percent of the 8th grade stu- dents are "functional illiterates" - reading level of 5th [illegible]grade or below (Larner, 1968).

3. Disadvantaged youth are weak in cognitive, abstract style [illegible]of learning. They favor concrete, stimulus-bound learning s[illegible]itua- tions. Classes which involve psychomotor learning activi[illegible]ties in contrast to those book-centered are more advantageous for and acceptable to disadvantaged students (Newton, 1964).

4. Disadvantaged students tend to be creative and motivated [illegible]and develop proficiency in areas where their interests lie. They are capable of working well and hard on a specific task [illegible]r assignment which has a purpose for them; for example, tal[illegible]cing courses which will result in a job or scholarship leadin[illegible]g to a career (Kemp, 1966).

5. Disadvantaged students often exhibit above average physical skill and manipulative abilities (Eisenberg, 1967).

6. Disadvantaged youth are generally poorly adjusted to school, excessively truant, and cut classes frequently.

C. Social

1. The disadvantaged from the inner-city develops a "knowhow" for survival (Eisenbert, 1967). They are resourceful in coping with the difficult conditions of life (Kemp, 1966).

2. Since social mobility generally requires education and disadvantaged youth are unable to succeed in school, they look for an engage in activities that are illegal in search for easy money (Goldbert, 1967).

3. The disadvantaged youth is open and frank in expressing his feelings.

4. The disadvantaged youth has a capacity for close and loyal relationships with his peers and adults who have won their confidence and respect (Kemp, 1966).

5. Delinquency aids the slum child in becoming a member of the "in" group and protects him against isolation and a sense of unacceptability (Goldbert, 1967). They seek status and protection in street gangs.

6. Minority group youths are not readily amenable to the values and teachings of the dominant culture. Since schools in general are planned, operated, and administered by middle class values and staff, the schools have less value to the disadvantaged (Goldbert, 1967).

7. Children of lower class families exhibit more signs of personality maladjustment than children of middle class families (Ausubel and Ausubel, 1968). This is due in many cases to the insecurities of daily living, failure in the educational and vocational field, and/or to inner tensions caused by family conflicts.

ROLE OF THE TEACHER

The primary role of the teacher is to give guidance and supervision to the instructional aide. The teacher should provide a setting conducive to student/aide rapport by formally introducing the aide to the class/es with which he will be involved. Individual students needing special assistance may then be identified to the instructional aide.

To provide for a complete campus orientation, the teacher should take the aide on a tour of the campus. The aide should be introduced to the administrators, departmental members, counselors, librarian, registrar, school nurse, and audio-visual coordinator. The aide's success in working with students will require him to coordinate his efforts with these staff members.

Although flexibility is being stressed in the BVC Program, one legal responsibility cannot be delegated by the teacher. *Positively, the aide is never to replace the teacher.* The California Education Code describes the instructional aide position as follows:

> 13599.4 (a) subject to the provisions of this article, any school district may employ instructional aides to assist classroom teachers and other certificated personnel in the performance of duties as defined in Section 13599.3. *An instructional aide shall perform only such duties as, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher.* These duties shall not include assignment of grades to pupils. An instructional aide need not perform such duties in the physical presence of the teacher but the teacher shall retain his responsibility for the instruction and supervision or the pupils in his charge.

ROLE OF THE BILINGUAL AIDE

The aide sets an example for the young people with whom he works. In setting an example, the aide should take pride in his appearance and the impression that he leaves by meeting acceptable standards of grooming and attitude.

THE INSTRUCTIONAL AIDE:

- has a constructive and friendly attitude in guiding those under his direction and cooperating with his co-workers and administrators.
- notifies those for whom he works when he must be absent.
- deals kindly with each student without prejudice or favoritism and protects the child's self-esteem.
- carries out school policies and enforcement of rules with fairness.
- respects the confidence of a pupil; information given in confidence should be passed on only to the aide's immediate supervisor, who is trying to help the pupil.
- respects the confidence of parents; any information given in confidence, or learned about parents should be passed on to the aide's immediate supervisor only when such information can help in understanding a pupil's situation.
- keeps confidential any information regarding class record of students.
- does not discuss emotional or behavior problems of students with others, except those immediately involved and as directed by the supervising teacher.
- never makes remarks which discredit school personnel in the presence of students.
- understands that his own conduct will be regarded as a sample of the quality of the profession.

DELINEATION- THE TEACHER/AIDE ROLE

The area of teacher/aide relationship is crucial to the effective operation of the BVC Program. Concepts such as mutual respect, proper delegation of duties, cooperation, and commonality of goals and objectives are applicable to classroom situations where the aide provides a meaningful service. The following list of suggestions is presented to facilitate the building of a teacher/aide relationship which will enhance student learning and acquisition of skills.

An orientation period of approximately three days is suggested to allow the aide to observe and familiarize himself with the classroom situation. During this observation period, the aide can acquaint himself with instructional materials, supplies, safety, and disciplinary procedures. The orientation period should provide opportunities for the teacher and aide to discuss and clarify their duties and responsibilities. Areas which should be made clear are

- criteria for the identification of disadvantaged vocational students
- services aide will provide to disadvantaged students
- aide/student rapport conducive to learning
- grading and evaluation policy
- classroom operation and procedures
- authoritative responsibility, and
- aide punctuality and reliability.

The BVC Program will operate best in situations where the aide can relate his duties to the functions of the teacher.

It is also important during this period that the aide gets to know the students and recognize his responsibility to serve as a model for student action. The aide's involvement in facilitating learning and providing services can foster the building of better students and citizens in a positive manner. Negatively, the aide who is tardy or absent may prompt similar behavior in students.

The development of open channels of communication between teacher and aide will lead to improvements in the aide's competency and assistance with classroom organization. The aide may need assistance to understand the variety of processes involved in the teaching of vocational subjects. The teacher may suggest the means whereby the aide can become more proficient in the subject field. Related to subject knowledge is the aide's use of his strengths in his vocational field. Through open communicative channels, the teacher can gain imput on whether the aide is being used to the best of his ability. Both under-utilization and over-utilization of the aide are factors which should be considered.

The teacher and the instructional aide should continuously evaluate their duties and responsibilities in relationship to the BVC Program. *The main intent of the BVC Program is to enhance student success in vocational courses.*

Suggestions to the Teacher:

1. Do not assume that the aide has been adequately trained
2. Educate your aide to the "educational jargon" (Objectives, accountability, learning centers, etc.)
3. Allow for creativity and individuality
4. Guide in lesson planning and presentations

5. Capitalize on the aide's strengths

6. Treat the aide as an adult

7. Encourage professional growth

8. Guide in discipline techniques and procedures. Set the tone!

9. Be prepared to evaluate your aide

10. Be prepared for the day(s) your aide is absent

70%/30% FORMULA FOR USE OF AIDE'S TIME

It must be emphasized that the program aides assist teachers in vocational training classes by directly helping disadvantaged students. A 70%/30% formula is suggested to prevent the misuse of instructional aides; the aide should spend 70% of his time working directly with students while 30% of his time should be spent on related instructional activities, as designated by the supervising teacher. Activities not directly related to instruction in vocational classes (i.e. noon supervision, nutrition supervision, non-classroom related clerical work, etc.) are not permissible.

When teacher aides are assigned tasks involving supervision, they are placed in positions of potential liability for pupil injury. In such a situation, liability is likely to arise out of negligence on the part of the aide. Any person assigned such responsibilities is ignorant at his own peril.

In cases involving pupil injury, the courts have traditionally held the teacher to a higher standard of care than that owed to the general public. Therefore, a teacher aide, when placed in a supervisory capacity, is in a very tenuous position especially when the class description specifically limits the aide to teacher directed classroom duties.

DIFFERENTIATION OF ROLES THROUGH TASK ANALYSIS

JOB	TEACHER ONLY	TEACHER AND/OR AIDE
1. legal responsibility (i.e. class coverage)*	X	
2. grading of students*	X	
3. teaching of new material		X
4. individual instruction		X
5. small group instruction		X
6. running off of ditto and mimeo materials		X
7. instruction in use of hand tools		X
8. instruction in use of power tools		X
9. instruction in tool terminology		X
10. develop - administer quizzes & tests		X
11. discipline in classroom	X	
12. bulletin board displays		X
13. constructing A.V. aids,		X
14. tutoring in specific skills, i.e. how to use a hack saw, how to balance credit/debit sheet, how to change a diaper, etc.*		X
15. instruction of pupils through lectures, demonstrations and audiovisual aids		X
16. lesson plan preparation		X
17. preparation of teaching outline for course of study	X	
18. keeping of attendance records	X	
19. participation in related duties, i.e. meetings, conferences, and teacher workshops.		X
20. participation in school related duties, i.e. student club sponsor, counseling in graduation requirements, etc.		X
21. assignment of lesson*		X
22. evaluation of subjective tests	X	
23. evaluation of object tests		X
24. recording of grades		X
25. setting up and running audio-visual equipment		X
26. instruction in safety precautions*		X
27. plans work of students in shop or laboratory		X
28. supervises work of students in shop or laboratory		X
29. provides educational and vocational guidance*		X
30. maintains classroom library of occupational guidance materials		X
31. refers students to counselor, work experience coordinator, etc.	X	
32. suggests speakers from community business organizations		X
33. maintains an inventory of classroom equipment and supplies		X
34. stores and issues handtools, machine tools, dies, and equipment		X
35. keeps records of tools loaned		X
36. reports damaged and worn out equipment to supervisor		X

*Refer to Article No. 1.6, Section 13599.3 Definitions

PROGRAM ACCOUNTABILITY

Federal and State guidelines for the use of disadvantaged funds require student beneficiaries of such monies to be identified. The special assistance that students receive is verified through the use of program data sheets. The following information is kept on record:

- name of student,
- school which he attends,
  (especially important in off campus programs)
- grade level,
- reason for student receiving assistance, (type of disadvantage)
- vocational teacher's verification of the special assistance.

1. Data is reported to the ACE Program Coordinator on a monthly basis.
   (See Form A)

AIDES CUMULATIVE PROGRAM DATA SHEET

Course Title: _____

Teacher's Name _____

(Indicate home school of each student if different from school listed below)

Student Last Name, First Name	Grade Level	Type of Disadvantage: Academic	Social	Economic	Cultural	Other:*	Type of Verification: Cumulative Records	Attendance Records	V.P. Records	Teacher's Rollbook	Other:*	RESULTS Month 1: Positive	Negative	Neutral	Other:*	RESULTS Month 2: Positive	Negative	Neutral	Other:*	RESULTS Month 3: Positive	Negative	Neutral	Other:*	RESULTS Month 4: Positive	Negative	Neutral	Other:*	RESULTS Month 5: Positive	Negative	Neutral	Other:*	SEMESTER'S GRADE	WORK HABITS	COOPERATION	SEMESTER'S ABSENCES	SEMESTER'S TARDIES	SEX: MALE OR FEMALE
1.																																				
2.																																				
3.																																				
4.																																				
5.																																				
6.																																				
7.																																				
8.																																				
9.																																				
10.																																				

Comments on individual students may be entered on reverse side.

*If Other is used, please explain on reverse side.

See Program Handbook for description of disadvantage categories, or call 625-6683 if you have questions.

Return through School Mail to:
Bernardo Sandoval
CENTRAL OFFICE
H256

COMPLETE THIS SECTION

Aide's Name: _____

Teacher's Signature: _____

School: _____

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PLEASE COMPLETE INFORMATION ON REVERSE SIDE OF THIS SHEET:

Name: _____

Comments: _____

_____

_____

_____

Name: _____

Comments: _____

_____

_____

_____

Name: _____

Comments: _____

_____

_____

_____

Name: _____

Comments: _____

_____

_____

_____

Name: _____

Comments: _____

_____

_____

_____

INSTRUCTIONAL AIDE CLASS DESCRIPTION

Assists a certificated employee in vocational training classes by preparing educational materials and conducting instructional activities for academically, socially, economically, or culturally disadvantaged students.

TYPICAL DUTIES

Assists a teacher or other certificated employee in vocational training classes by performing the following duties in order to help disadvantaged students learn subjects and skills introduced by a teacher:

Checking student laboratory work, including use of materials, equipment, tools, and other items related to vocational training, for adherence to correct and safe procedures.

Explaining teacher's corrections and evaluations on papers and work projects to students.

Providing assistance to students individually in small groups in order to develop knowledges and skills in instructional areas designated by the teacher, including review of subject matter, use of individual learning packages, performance of work, and tutoring in reading, writing, and arithmetic.

Assisting students to attain positive attitudes toward education and success in the vocational program.

Noting and referring to teacher student deficiencies in subject matter, skills, and related areas.

Contacting, as directed by teacher, District personnel, parents and others to follow up on student attendance, health, and other matters related to student achievement.

Developing and preparing instructional materials, such as mock-ups, models, and tape recordings for use with disadvantaged students.

Giving and scoring make-up tests and reviewing tests results with students.

Perform related duties as assigned.

SUPERVISION

Immediate supervision is provided by a certificated employee, usually a teacher. No supervision is exercised over District employees.

CLASS QUALIFICATIONS

Knowledge of:

Practices, procedures, termimology, supplies, tools, and equipment used in the designated occupational field.

Safe work methods used in occupational fields.

Correct grammatical usage.

Standards of courtesy and behavior expected of students.

Ability to:

Speak, read, and write clear understandable English.
Prepare instructional, audio-visual, and related class materials.
Prepare and present educational material and conduct instructional activities.
Communicate specialize information concerning the designated occupational field to pupils with varying levels of understanding.

Entrance Qualifications:

Six months of recent paid experience in the designated occupational field in which the aide will be hired.

or

Successful completion of an occupational program in the designated field at the college or university level.

or

Have majored in that particular subject area in High School.

Special Qualifications:

Ability to speak, or to read and write Spanish may be required for some positions.

ATTENDANCE INFORMATION

Absences

If an Instructional Aide is absent for three consecutive days without notifying the school, he will be replaced. Other irregular attendance patterns may be cause for dismissal.

Tardies

Notify the school when you are going to be late. Excessive lateness may be cause for dismissal.

Notification of Termination

You are performing necessary services and people count on you. Notify your instructor, school, and Mr. Sandoval's Office (625-6683), when terminating your involvement with the program.

Multiple Assignments

Part-time multiple assignments for classified employees or the assignment of an unclassified employee to an additional part-time classified position, either of which would result in a total assignment of more than 79 hours per pay period, will be curtailed. An ongoing computer analysis of hours will be instituted and employees nearing the 790-hour maximum may face reductions in their assignment.

Holidays

Education Code 13656

13656. All employees a part of the classified service shall be entitled to the following paid holidays *provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday:* January 1, February 12 known as Lincoln Day, the third Monday in February known as Washington Day, the last Monday in May known as Memorial Day, July 4, the first Monday in September known as Labor Day, September 9 known as Admission Day, November 11 known as Veterans Day, that Thursday in November proclaimed by the president as Thanksgiving Day, December 25, every day appointed by the president, or the Governor of this state, as provided for in subdivisions (b) and (c) of Section 5201 for a public fast, thanksgiving or holiday or any day declared a holiday under Section 877 or 5202 which the board specifies shall be a holiday for classified or certificated employees.

APPENDIX A

USING AUDIO VISUAL AIDES

Some Things To Think About

You may use many media or a single medium.

Multi-media involves the use of several audio-visual techniques during a single presentation (i.e. combining motion pictures, slides, music, recorded or live narration, sound effects, overhead transparencies) in various combinations, often using a wide screen or two or three smaller screens grouped together.

Resist apologizing for visuals used. An apology for an inferior visual does not improve its quality.

Allow enough lead time to rehearse a major presentation far enough ahead to permit replacement of inferior visuals and coordinate efficient use of essential equipment.

Remember that variety in a presentation tends to stimulate student interest.

Use of Filmstrips

A filmstrip is:

A convenient vehicle for communicating a planned sequence of visual ideas.

A comparatively inexpensive instructional resource.

An easily viewable and projectable visual medium.

A filmstrip is not:

An inexpensive substitute for a motion picture.

A convenient way of storing slides.

A framework for transmitting text.

In selecting or producing a filmstrip, consider:

The nature, needs, and interests of the intended students.

The objectives which the material is designed to meet.

The importance of dynamic visuals and clarity of content to compensate for lack of motion.

The length of continuity in relation to the attention span or motivation of students.

The ability to vary the pace from student group to student group.

The self-contained nature of the material or its relationship to other available materials.

Remember that a filmstrip:

Is primarily a visual presentation which should be able to communicate with a minimum of text.

Is concerned mainly with one major topic and should avoid distracting irrelevancies.

Is an organized sequence of ideas and concepts which flow in a meaningful and logical manner.

Is particularly suited to opportunities for the stimulation of physical or mental involvement of the viewer.

Provides an ideal resource for individualized instruction.

Use of Overhead Transparencies

Replaces charts for large groups.

Permits on-the-spot additions for emphasis such as underlining, checking, circling.

Presents last-minute, current data.

Provides a variety of techniques
- Full-screen visual
- Revelation of one step or point at a time
- Overlays for comparisons
- Photographs (film positives)

Provides ease of preparation
- Use of real objects
- Hand-drawn on clear acetate
- Typed copy converted in seconds
- Color added in a variety of ways
- Availability of commercially prepared transparencies

Technical and mechanical guidelines

Print size 1/4" minimum - Primary or bulletin typewriter
Color for impact or emphasis
Turn off the projector between visuals or sequence of visuals. A blank, lighted screen is a distraction.

Position the screen diagonally at front of room to provide maximum visibility.

Position transparency on projector before turning on light.

Consider the seating arrangement and the students' ability to see the screen. A transparency may be moved upward as content toward the bottom of a frame is discussed.

Keep content to a minimum on each frame. Several simple frames are better than one cluttered frame.

The keystoning effect of a transparency is corrected when the top part of the screen is tilted forward (or the bottom part pulled back).

Use of Slides

Be certain slides amplify or relate to verbal content or presentation.

Pace slides according to visual content. Some may need to be exposed only a few seconds to communicate their message. Seldom should a single slide be seen more than 30 seconds unless the speaker is analyzing various parts of it.

Any printed matter on a slide should be easily readable from the unprojected slide itself. This general criterion assures print of adequate size when projected on the screen.

Limit captions on slides to approximately 35 characters per line.

Captions which are in too sharp a contrast with the background set up a visual vibration on the screen, annoying or confusing the students. Use off-white letters on a dark background, or dark letters on a medium light background.

Prepare a storyboard of visual ideas, using a small slip of paper for each idea, before taking or requesting slides. The flexibility of the paper slips makes it easy to organize the presentation in advance and minimize the waste of unnecessary visuals.

A slide which must contain a lot of detail should be presented as an "establishing shot" of the big ideas and then be followed by additional slides which concentrate on one detail at a time.

Use of Flip Charts

Consider the size of the group
- Small to medium sized

Consider the size of print
- 1" to 1 1/2" letters carry to 25' distance
- 2" to 3" letters carry from 50' to 75' distance

Consider the content
- key words
- Phrases
- Brief quotes
- Skeletal Outline
- Simple visuals

Consider technical aspects
- Added color should have a reason: for impact, clarity of meaning or emphasis
- Writing should be dark and bold
- Avoid clutter

Consider the applications
- Providing visual notes for speaker
- Directing student attention
- Emphasizing main ideas
- Presenting organized sequence of ideas
- Assisting not-taking for students
- Permitting reference points for students reaction
- Completely self-contained - NER - (No equipment required)
- Provides speaker security and confidence

APPENDIX B

CALIFORNIA LEGISLATION AFFECTING INSTRUCTIONAL AIDES

Article 1.6

INSTRUCTIONAL AIDES

Sec.

13599. Citation.
13599.1 Legislative intent.
13599.2 Pupil-teacher ratio; titles assigned to instructional aides.
13599.3 Definitions.
13599.4 Employment; duties; qualifications.
13599.5 Personal information concerning pupils.
13599.6 Credentials for supervising instructional aides.
13599.7 Classification for apportionment; status as employees.
13599.8 Compensation.
13599.9 Use of volunteers.

Article 1.6 was added by Stats.1968, c. 1425, p. -, 1.

Library References

Schools and School Districts 127, 133. C.J.S. Schools and School Districts 154-158, 170 et seq.

13599. Citation

This article may be cited as the Instructional Aide Act of 1968. The provisions of this article shall apply to personnel referred to in Sections 931.5, 6458, 6481.5, 648.6, 6499.5, 13253, 13253.5, and 16625.01 of this code or any other section heretofore or hereafter enacted, who perform the duties of instructional aides.

(Added by Stats.1968, c. 1425, p. -, 1.)

13599.1 Legislative intent

The Legislature recognizes the need to provide classroom teachers and other certificated personnel with more time to teach and to provide the means for them to utilize their professional knowledge and skills more effectively in the educational programs of the public schools. It is the intent of the Legislature to authorize the employment of instructional aides in order that classroom teachers and other certificated per-

sonnel may draw upon the services of such aides to assist them in ways determined to be useful in improving the quality of educational opportunities for pupils.

(Added by Stats.1968, c. 1425, p. -, 1.)

13599.2 Pupil-teacher ratio; titles assigned to instructional aides

Instructional aides shall not be utilized to increase the number of pupils in relation to the number of classroom teachers in any school, any school district, or in the state.

All instructional aide positions in a school district shall be assigned the basic title of "instructional aide." To provide for differences in responsibilities and duties, additions to the basic title may be assigned such as "instructional aide I or II" or "instructional aide-volunteer," or other appropriate title designated by the governing board.

(Added by Stats.1968, c. 1425, p. -, 1.)

13599.3 Definitions

(a) As used in this article, "instructional aide" means a person employed to assist classroom teachers and other certificated personnel in the performance of their duties and in the supervision of pupils and in instructional tasks which, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher.

(b) "Any school district" means a school district or a county superintendent of schools who employs classroom teachers in the public schools.

(Added by Stats.1968, c. 1425, p. -, 1.)

Cross References

County superintendent of schools, see 751 et seq., 801 et seq., 15851 et seq.; Const. art. 9, 3, 3.1.

13599.4 Employment; duties; qualifications

(a) Subject to the provisions of this article, any school district may employ instructional aides to assist classroom teachers and other certificated personnel in the performance of duties as defined in Section 13599.3. An instructional aide shall perform only such duties as, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to

pupils. An instructional aide need not perform such duties in the physical presence of the teacher but the teacher shall retain his responsibility for the instruction and supervision of the pupils in his charge.

(b) Educational qualifications for instructional aides shall be prescribed by the school district employer and shall be appropriate to the responsibilities to be assigned.

(Added by Stats.1968, c. 1425, p. -, 1.)

13599.5 Personal information concerning pupils

Notwithstanding the provisions of Section 10751, no instructional aide shall give out any personal information concerning any pupil who is not his own child or ward, except under judicial process, to any person other than a teacher or administrator in the school which the pupil attends. A violation of this section may be a cause for disciplinary action, including dismissal.

(Added by Stats.1968, c. 1425, p. -, 1.)

13599.6 Credentials for supervising instructional aides

Classroom teachers and other certificated personnel shall not be required to hold a standard supervision credential or a standard administration credential as a prerequisite to the supervision and direction of instructional aides.

(Added by Stats.1968, c. 1425, p. -, 1.)

Cross References

Standard administration credential, see 13197.2, 13197.25.
Standard supervision credential, see 13197.1, 13197.15.
Types of credentials, see 13187.

13599.7 Classification for apportionment; status as employees

(a) An instructional aide shall not be deemed a certificated employee for the purposes of apportioning state aid and no regrouping of pupils with instructional aides shall be construed as a class for apportionment purposes.

(b) Instructional aides shall be classified employees of the district, and shall be subject to all of the rights, benefits, and burdens of the classified service, except as specified in Section 13581.2 for "restricted" positions.

(Added by Stats.1968, c. 1425, p. -, 1.)

13599.8 Compensation

The school district shall pay to each person employed as an instructional aide compensation at a rate not less than the minimum hourly rate prescribed by federal law.

(Added by Stats.1968, c. 1425, p. -, 1.)

13599.9 Use of volunteers

Notwithstanding the provisions of this article, or any other provisions of law, a school district may utilize volunteers in the supervision and instruction of pupils, but any such volunteer shall be subject to the provisions of Section 931.5 and this article.

(Added by Stats.1968, c. 1425, p. -, 1.)

APPENDIX C

BILINGUAL-BICULTURAL TEACHER PREPARATION & TRAINING ACT OF 1973

AMENDED IN SENATE JUNE 15, 1973

SENATE BILL No. 1335

Introduced by Senator Moscone
(Coauthor: Assemblyman Alatorre)

May 8, 1973

An act to add to, and repeal Chapter 5.77 (commencing with Section 5768) of Division 6 of the Education Code, relating to bilingual-bicultural teacher preparation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1335, amended, Moscone. Bilingual and bicultural teachers.

Establishes Bilingual-Bicultural Teacher Preparation and Training Act of 1973.

Requires Commission for Teacher Preparation and Licensing to develop status report on or before January 15th each year and to make such report to Legislature by February 15th of each year republic bilingual-bicultural program and a 5-year projection of needs.

Requires each governing body of public higher education to make prescribed report by November 15 of each year to Legislature.

Requires Commission for Teacher Preparation and Licensing to design a career ladder for Bilingual aides program and provide for grants to allow bilingual aides to become fully certificated bilingual teachers; and, in conjunction with public institutions of higher education, to design a comprehensive language and cultural curriculum for teachers who are already certificated, to enable teachers to qualify for the bilingual-bicultural credential and to institute such a curriculum in not less than 5 public institutions of higher education not later than September 1, 1974.

SB 1335

Creates Bilingual Teacher Development Grant Program which shall be administered by the State Scholarship and Loan Commission, and prescribes minimum available grants for bilingual aides and teachers.

Requires governing bodies of institutions of public higher education to establish policy of recruitment and appointment of professors of bilingual-bicultural education by June 1, 1974.

Requires Commission for Teacher Preparation and Licensing to serve as

a clearinghouse and to assist school districts in a recruitment of personnel.

Operative until July 1, 1979.

Appropriates $490,000 for purpose of implementing act and for purposes of awarding grants.

Vote: majority. Appropriation: yes. Fiscal committee: Yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.77 (commencing with Section 5768) is added to Division 6 of the Education Code, to read:

CHAPTER 5.77. BILINGUAL-BICULTURAL TEACHER PREPARATION AND TRAINING ACT OF 1973

5768. The Legislature recognizes that there are several hundred thousand California schoolchildren whose primary languages are not English. These children have shown their ability to perform in bilingual-bicultural classes and large amounts of money are now available to expand the number of bilingual classrooms. The Legislature recognizes, furthermore, that there is an insufficient number of qualified bilingual-bicultural teachers to staff present projects, and that many more such teachers will be needed as the new projects are established. It is therefore, the intent of this chapter to establish programs designed to rapidly produce teachers who are fully bilingual, who are sensitive to cultural differences and knowledgeable about the origins of such differences, who can serve as models for these children to emulate, and who will qualify for credentials in bilingual-crosscultural education. Bilingual-bicultural teacher aides and the presently underutilized certificated teacher force shall be primary manpower sources for this program.

5768.2 The Commission for Teacher Preparation and Licensing shall develop, on or before January 15th of each year, a status report on local, state, and federally funded bilingual-bicultural teacher preparation programs, and a five-year projection of the needs for bilingual-bicultural teaching personnel. Such report shall be made to the Legislature not later than February 15th of each year. The Board of Governors of the California Community Colleges, the Trustees of the California State University and Colleges, and the Regents of the University of California shall, by November 15 of each year, report to the Legislature with reference to their programs in bilingual-bicultural teacher training. Such report shall include information on special classes or programs leading to a bilingual-bicultural teaching credential, preservice or in-service programs offered to bilingual-bicultural

teachers or teacher aides, and the number of persons enrolled in such programs.

5768.4 The Commission for Teacher Preparation and Licensing shall design a career ladder program which will allow bilingual teacher aides to become fully certificated bilingual teachers. This program shall provide grants for tuition and living expenses to needy applicants for part-time or full-time attendance at any public institution of higher education in California. Up to two years of credit toward credential requirements may be allowed for experience within the classroom as a teacher aide.

5768.6 The Commission for Teacher Preparation and Licensing shall, with the assistance of representatives appointed by the Chancellors of the California Community Colleges, the California State University and Colleges, the University of California and with five presently practicing teachers nominated by the Commission for Teacher Preparation and Licensing, design a comprehensive language and culture curriculum for teachers who are already certificated. Such curriculum shall be designed to enable teachers to qualify for the bilingual-bicultural credential. This curriculum shall be offered at not less than five public institutions of higher education in California, beginning not later than September 1, 1974.

5769. There is hereby established a Bilingual Teacher Development Grant Program. The Scholarship and Loan Commission shall administer the Bilingual Teacher Development Grant Program in accordance with procedures established by the Commission for Teacher Preparation and Licensing. Candidates shall be evaluated according to criteria developed by the Commission for Teacher Preparation and Licensing. Not less than 75 percent of the funds available for grants shall be awarded to bilingual aides participating in the career ladder program prescribed in Section 5768.4. Remaining funds shall be available to needy teachers who are enrolled in the curriculum prescribed in Section 5768.6

5769.2. The Board of Governors of the California Community Colleges, the Trustees of the California State University and Colleges, and the Regents of the University of California shall, within their respective systems, establish a policy of recruitment and appointment of professors of bilingual-bicultural education by June 1, 1974.

5769.4 The Commission for Teacher Preparation and Licensing shall serve as a clearinghouse for bilingual-bicultural teaching personnel. The Commission for Teacher Preparation and Licensing shall, upon request, assist

school districts in the recruitment of such personnel.

5769.6 This article shall be operative until July 1, 1979, and as of that date is repealed.

SEC. 2. There is hereby appropriated from the General Fund the sum of four hundred ninety thousand dollars ($490,000) to the Commission for Teacher Preparation and Licensing for purposes of implementing the Bilingual-Bicultural Teacher Preparation and Training Act of 1973 pursuant to Chapter 5.77 (commencing with Section 5768) of Division 6 of the Education Code and to the State Scholarship and Loan Commission for grant programs established pursuant to this act, to be apportioned according to the following schedule:

(a) For purposes of implementing the Bilingual-Bicultural Teacher Preparation Program..... $20,000

(b) For the Bilingual Teacher Development Grant Program for the 1974-75 fiscal year..$145,000

(c) For the Bilingual Teacher Development Grant Program for the 1975-76 fiscal year..$155,000

(d) For the Bilingual Teacher Development Grant Program for the 1976-77 fiscal year..$170,000

Total of schedule $490,000

Funds appropriated to the State Scholarship and Loan Commission for the purposes of this act but not expended shall be carried over to the next fiscal year. Not more than ten thousand dollars ($10,000) may be used by the State Scholarship and Loan Commission for administration of this grant program.

APPENDIX D

H.E.W.'S MAY 25, 1970 MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20201

May 25, 1970

MEMORANDUM

TO : School Districts With More Than Five Percent National Origin-Minority Group Children

FROM : J. Stanley Pottinger
Director, Office for Civil Rights

SUBJECT : Identification of Discrimination and Denial of Services on the Basis of National Origin

Title VI of the Civil Rights Act of 1964, and the Departmental Regulation (45 CFR Part 80) promulgated thereunder, require that there be no discrimination on the basis of race, color or national origin in the operation of any federally assisted programs.

Title VI compliance reviews conducted in school districts with large Spanish-surnamed student populations by the Office for Civil Rights have revealed a number of common practices which have the effect of denying equality of educational opportunity to Spahish-surnamed pupils. Similar practices which have the effect of discrimination on the basis of national origin exist in other locations with respect to disadvantaged pupils from other national origin-minority groups, for example, Chinese or Portugese.

The purpose of this memorandum is to clarify D/HEW policy on issues concerning the responsibility of school districts to provide equal educational opportunity to national origin-minority group children deficient in English language skills. The following are some of the major areas of concern that relate to compliance with Title VI:

(1) Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

(2) School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national courses on a basis directly related to the failure of the school system to inculcate English language skills.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

(4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

School districts should examine current practices which exist in their districts in order to assess compliance with the matters set forth in this memorandum. A school district which determines that compliance problems currently exist in that district should immediately communicate in writing with the Office for Civil Rights and indicate what steps are being taken to remedy the situation. Where compliance questions arise as to the sufficiency of programs designed to meet the language skill needs of national origin-minority group children already operating in a particular area, full information regarding such programs should be provided. In the area of special language assistance, the scope of the program and the process for identifying need and the extent to which the need is fulfilled should be set forth.

School districts which receive this memorandum will be contacted shortly regarding the availability of technical assistance and will be provided with any additional information that may be needed to assist districts in achieving compliance with the law and equal educational opportunity for all children. Effective as of this date the aforementioned areas of concern will be regarded by regional Office for Civil Rights personnel as a part of their compliance responsibilities.

APPENDIX E

THE LAU V. NICHOLS SUPREME COURT DECISION

LAU v. NICHOLS

Syllabus

LAU ET AL. v. NICHOLS ET AL.

CERTIOTARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 72-6520. Argued December 10, 1973-Decided January 21, 1974

The failure of the San Francisco school system to provide English language instruction to approximately 1,800 students of Chinese ancestry who do not speak English, or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program and thus violates 601 of the Civil Rights Act of 1964, which bans discrimination based "on the ground of race, color, or national origin," in "any program or activity receiving Federal financial assistance," and the implementing regulations of the Department of Health, Education, and Welfare. Pp. 565-569.
483 F. 2d 791, reversed and remanded.

Douglas, J., delivered the opinion of the Court, in which Brennan, Marshall Powell, and Rehnquist, JJ., joined. Stewart, J., filed an opinion concurring in the result, in which Burger, C.J., and Blackmun, J., joined, post, p. 569. White, J., concurred in the result. Blackmun, J., filed an opinion concurring in the result, in which Burger, C.J., joined, post, p. 571.

Edward H. Steinman argued the cause for petitioners. With him on the briefs were Kenneth Hecht and David C. Moon.

Thomas M. O,Connor argued the cause for respondents. With him on the brief were George E. Kueger and Burk E. Delventhal.

Assistant Attorney General Pottinger argued the cause for the United States as amicus curiae urging reversal. With him on the brief were Solicitor General Bork, Deputy Solicitor General Wallace, Mark L. Evans, and Brian K. Landsberg.*

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*Briefs of amici curiae urging reversal were filed by Stephen J. Pollak, Ralph J. Moore, Jr., David Rubin, and Peter T. Galiano for

Opinion of the Court

Mr. Justice Douglas delivered the opinion of the Court

The San Francisco, California, school system was integrated in 1971 as a result of a federal court decree, 339 F. Supp. 1315. See Lee v. Johnson, 404 U.S. 1215. The District Court found that there are 2,856 students of Chinese ancestry in the school system who do not speak English. Of those who have that language deficiency, about 1,000 are given supplemental courses in the English language. About 1,800, however, do not receive that instruction.

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This class suit brought by non-English-speaking Chinese students aginst officials responsible for the operation of the San Francisco Unified School District seeks relief against the unequal educational opportunities, which are alleged to violate, inter alia, the Fourteenth Amendment. No specific remedy is urged upon us.

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the National Education Assn. et al; by W. Reece Bader and James R. Madison for the San Francisco Lawyers' Committee for Urban Affairs; by J. Harold Flannery for the Center for Law and Education, Harvard University; by Herbert Teitelbaum for the Puerto Rican Legal Defense and Education Fund, Inc.; by Mario G. Obledo, Sanford J. Rosen, Michael Mendelson, and Alan Exelrod for the Mexican American Legal Defense and Educational Fund et al; by Samuel Rabinove, Joseph B. Robinson, Arnold Forster, and Elliot C. Rothenberg for the American Jewish Committee et al.; by F. Raymond Marks for the Childhood and Government Project; by Martin Glick for Efrain Tostado et al.; and by the Chinese Consolidated Benevolent Assn. et al.

A report adopted by the Human Rights Commission of San Francisco and submitted to the Court by respondents after oral argument shows that, as of April 1973, there were 3,457 Chinese students in the school system who spike little or no English. The document further showed 2,136 students enrolled in Chinese special instruction classes, but at least 429 of the enrollees were not Chinese but were included for ethnic balance. Thus, as of April 1973, no more than 1,707 of the 3,457 Chinese students needing special English instruction were receiving it.

Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instructions to this group in Chinese is another. There may be others. Petitioners ask only that the Board of Education be directed to apply its expertise to the problem and rectify the situation.

The District Court denied relief. The Court of Appeals affirmed, holding that there was no violation of the Equal Protection Clause of the Fourteenth Amendment or of 601 of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d, which excludes from participation in federal financial assistance, recipients of aid which discriminate against racial groups, 483 F. 2d 791. One judge dissented. A hearing en banc was denied, two judges dissenting. Id., at 805.

We granted the petition for certiorari because of the public importance of the question presented, 412 U.S. 938.

The Court of Appeals reasoned that "(e) every student brings to the starting line of his educational career different advantaged and disadvantages caused in part by social, economic and cultural background, created and continued completely apart from any contribution by the school system," 483 F. 2d, at 797. Yet in our view the case may not be so easily decided. This is a public school system of California and 71 of the California Education Code states that "English shall be the basic language of instruction in all schools." That section permits a school district to determine "when and under what circumstances instruction may be given bilingually." That section also states as "the policy of the state" to insure "the mastery of English by all pupils in the schools." And bilingual instruction is authorized "to the extent that it does not interfere with the systematic, sequential, and regular instruction of all pupils in the English language."

Moreover, 8573 of the Education Code provides that no pupil shall receive a diploma of graduation from grade 12 who has not met the standards of proficiency in "English," as well as other prescribed subjects. Moreover, by 12101 of the Education Code children between the ages of six and 16 years are (with exceptions not material here) "subject to compulsory full-time education." (Supp. 1973.)

Under these state-imposed standards there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful.

We do not reach the Equal Protection Clause argument which has been advanced but rely solely on 601 of the Civil Rights Act of 1964, 42 U.S.C. 2000d to reverse the Court of Appeals.

That section bans discrimination based "on the ground of face, color, or national origin," in "any program or activity receiving Federal financial assistance." The school district involved in this litigation receives large amounts of federal financial assistance. The Department of Health, Education, and Welfare (HEW), which has authority to promulgate regulations prohibiting discrimination in federally assisted school systems, 42 U.S.C. 2000d-1, in 1968 issued one guideline that "(s)chool systems are responsible for assuring that students of a particular race, color, or national origin are not denied the opportunity to obtain the education generally obtained by other students in the system." 33 Fed. Reg. 4956. In 1970 HEW made the guidelines more specific, requiring school districts that were federally funded "to rectify the language deficiency in order to open" the instruction to students who had "linguistic deficiencies," 35 Fed. Reg. 11595.

By 602 of the Act HEW is authorized to issue rules, regulations, and orders to make sure that recipients of federal aid under its jurisdiction conduct any federally financed projects consistently with 601. HEW's regulations, 45 CFR 80.3 (b) (1), specify that the recipients may not:

> "(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
>
> "(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program."

Discrimination among students on account of race or national origin that is prohibited includes "discrimination ... in the availability or use of any academic ... Or

Section 602 provides:

"Each Fedral department and agency which is empowered to extend Federal financial assistace to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. . . ." 42 U.S.C. 2000d-1.

other facilities of the grantee or other recipient." Id,. 80.5 (b).

Discrimination is barred which has that effect even though no purposeful design is present: a recipient "may not ... unilize criteria or methods of administration which have the effect of subjecting individuals to discrimination" or have "the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin." Id., 80.3 (b) (2).

It seems obvious that the Chinese speaking minority receives fewer benefits than the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program all earmarks of the discrimination banned by the regulations. In 1970 HEW issued clarifying guidelines, 35 Fed. Reg. 11595, which include the following:

"Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

"Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational deadend or permanent track."

Respondent school district contractually agreed to "comply with title VI of the Civil Rights Act of 1964 ... and all requirements imposed by or pursuant to the

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And see Report of the Human Rights Commission of San Francisco, Bilingual Education in the San Francisco Public Schools, Aug. 9, 1973

Regulation" of Hew (45 CFR pt. 80) which are "issued pursuant to that title..." and also immediately to "take any measures necessary to effectuate this agreement." The Federal Government has power to fix the terms on which its money allotments to the States shall be disbursed. Oklahoma v. CSC, 330 U.S. 127, 142-143. Whatever may be the limits of that power, Steward Machine Co. v. Davis, 301 U.S. 548, 590 et seq., they have not been reached here. Senator Humphrey, during the floor debates on the Civil Rights Act of 1964, said:

"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination."

We accordingly reverse the judgment of the Court of Appeals and remand the case for the fashioning of appropriate relief.

Reversed and remanded.

Mr. Justice White concurs in the result.

Mr. Justice Stewart, with whom The Chief Justice and Mr. Justice Blackmun join, concurring in the result.

It is uncontested that more than 2,800 school children of Chinese ancestry attend school in the San Francisco Unified School District system even though they do not speak, understand, read, or write the English language, and that as to some 1,800 or these pupils the respondent school authorities have taken no significant steps to deal with this language deficiency. The petitioners do not contend, however, that the respondents have affirmatively or intentionally contributed to this inadequacy, but only

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110 Cong. Rec. 6543 (Sen. Humphrey, quoting from President Kennedy's message to Congress, June 19, 1973).

that they have vailed to act in the face of changing social and linguistic patterns. Because of this laissezfaire attitude on the part of the school administrators, it is not entirely clear that 601 of the Civil Rights Act of 1964, 42 U.S.C. 2000d, standing alone, would render illegal the expenditure of federal funds on these schools. For that section provides that "(n)o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

On the other hand, the interpretive guidelines published by the Office for Civil Rights of the Department of Health, Education, and Welfare in 1970, 35 Fed. Reg. 11595, clearly indicate that affirmative efforts to give special training for non-English-speaking pupils are required by Tit. VI as a condition to receipt of federal aid to public schools:

> "Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students." 35 Fed. Reg. 11595.

These guidelines were issued in further clarification of the Department's position as stated in its regulations issued to implement Tit. VI, 45 CFR pt. 80. The regulations provide in part that no recipient of federal financial assistance administered by HEW may

"Provice any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program; (or)

"Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program."
45 CFR 80.3 (b) (1) (ii), (iv).

The critical question is, therefore, whether the regulations and guidelines promulgated by HEW go beyond the authority of 601. Last Term, in Mourning v. Family Publications Service, Inc., 411 U.S. 356, 369, we held that the validity of a regulation promulgated under a general authorization provision such a 602 of Tit. VI "will be sustained so long as it is 'reasonably related to the purposes of the enabling legislation.' Thrope v. Housing Authority of the City of Durham, 393 U.S. 268, 280-281 (1969)." I think the guidelines here fairly meet that test. Moreover, in assessing the purposes of remedial legislation we have found that departmental regulations and "consistent administrative construction" are "entitled to great weight." Trafficante v. Metropolitan Life Insurance Co., 409 U.S. 205, 210; Griggs v. Duke Power Co., 401 U.S. 424, 433-434; Udall v. Tallman, 380 U.S. 1. The Department has reasonably and consistently interpreted 601 to require affirmative remedial efforts to give special attention to linguistically deprived children.

For these reasons I concure in the result reached by the Court.

Mr. Justice Blackmun, with whom The Chief Justice joins, concurring in the result.

I join Mr. Justice Stewart's opinion and thus I, too, concur in the result. Against the possibility that the Court's judgment may be interpreted too broadly, I

The respondents do not contest the standing of the petitioners to sue as beneficiaries of the federal funding contract between the Department of Health, Education, and Welfare and the San Francisco Unified School District.

Section 602, 42 U.S.C. 2000d-1, provides in pertinent part:

"Each Fedral department and agency which is empowere to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objective of the statute authorizing the financial assistance in connection with which the action is taken. . . ."
The United Staes as amicus curiae asserts in its brief, and the respondents appear to concede, that the guidelines were issued pursuant to 602.

stres the fact that the children with whom we are concerned here number about 1,800. This is a very substantial group that is being deprived on any meaningful schooling because they cannot understand the language of the classroom. We may only guess as to shy the have had no exposure to English in their preschool years. Earlier generations of American ethnic groups have overcome the language barrier by earnest parental endeavor or by the hard fact of being pushed out of the family or community nest and into the realities of broader experience.

I merely wish to make plain that when, in another case, we are concerned with a very few youngsters, or with just a single child who speaks only German or Polish or Spanish or any language other than English, I would not regard today's decision, or the separate concurrence, as conclusive upon the issue whether the statute and the guideline require the funded school district to provide special instruction. For me, numbers are at the heart of this case and my concurrence is to be understood accordingly.

STATE POLICY ON BILINGUAL EDUCATION

> The General Court finds that there are large numbers of children in the commonwealth who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of children whose native tongue is another language. The General Court believes that a compensatory program of transitional bilingual education can meet the needs of these children and facilitate their integration into the regular public school curriculum. Therefore, pursuant to the policy of the commonwealth to insure equal educational opportunity to every child, and in recognition of the needs of children of limited English-speaking ability, it is the purpose of this act bilingual education programs in the public schools, and to provide supplemental financial assistance to help local school districts to meet the extra costs of such programs.

With this statement, Massachusetts launched mandatory bilingual education to be followed by similar laws in Texas, Illinois, and New Jersey, requiring instruction in the native language and culture of children with limited English speaking ability to equalize their educational opportunity. The pace was set in the Massachusetts law, which required cities, towns, or school districts with enrollments of 20 or more children of limited English speaking ability in any language classification to establish 3-year, "transitional" programs to compensate for the inability of language minority children to compete effectively in the standard educational program. These programs were intended as remedial measures for language minority students, not as menas for changing the basic orientation of school curricula. In fact, in all the statutes, school districts are permitted to locate such programs outside public school facilities.

In addition to the 3 year time frame, the laws share other common features. - All mandate that all school districts conduct an annual survey to determine the numbers of language minority children in the district; that such programs must be provided where there are 20 or more children of any given language group; that parents must be notified within 10 days of their children's placement in such program; and that language minority children be mixed with English speakin children in such courses as art, music, and physical education, which do not require proficiency in English.

The laws also differ in several important ways. Massachusetts and Illinois provide that only reading and writing in the native language shall be taught, while oral comprehension, speaking, reading, and writing shall be taught for English. The Texas law specifies that all four skills shall be developed for both the native language and English, thereby giving the native language the same status as English and enhancing attitudes and motivation in the learning of English.

A potentially damaging omission in the Texas law is a failure to recognize a right of parents to choose to withdraw their children from a mandatory bilingual program at any time. By including such a provision in the Illinois and Massachusetts laws, those Sttes ensure that students are not being pulled out of regular classrooms against the wishes of their parents. The provision also safeguards against forced attendance of language minority children in bilingual programs that are ineffective or harmful in any way.

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1. Ann. Laws. Mass. ch 71A, 1 (ed. note) (supp. 1973).

2. This was written before the New Jersey statute was passed, and, thus, does not analyze provisions of that law. N.J. Stat. Ann. tit. 18A; 35-15, et seq. N.J. Laws of 1974, ch. 197.

3. With minor wording changes this same legislative finding and declaration can be found in the statutes of Texan and Illinois at Tes. Codes Ann., Education Code 21.451 (Vernon Supp. 1974-75); and Ill. Ann. Stat. ch 122, 14 C-1 (Smith-Hurd Supp. 1974), respectively.

3. Ann. Laws Mass. ch 71A, 2 (Suup. 1973).

4. Ann. Laws Mass. ch 71A, 5 (Supp. 1973); Ill. Ann. Stat. ch. 122, 14C-6 (Smith-Hurd Supp. 1974); Tex. Codes Ann., Education Code 21.456 (Vernon Supp. 1974-75).

5. Tex. Codes Ann., Education Code 21.455(b) and (c) (Vernon Supp. 1974-75); Ill. Ann. Stat. ch lww, 14C-3 (Smith-Hurd Supp. 1974).

6. Ann. Laws Mass. ch 71A, 2 (Supp. 1973); Ill. Ann. Stat. ch 122, 14C-3 (a) (Smith-Hurd Supp. 1974); Tex. Codes Ann., Education Code 21.453(a) (Vernon Supp. 1974-75).

7. Ann. Laws Mass. ch 71A, 2 (Supp. 1973); Ill. Ann. Stat. ch lww, 14C-3 (Smith-Hurd Supp. 1974); Tex. Codes Ann., Education Code 21,453(b) Vernon Supp. 1974-75).

8. Ann. Laws Mass. ch ulA 3 (Supp. 1973); Ill. Ann. Stat. ch 122, 14C-4 (Smith-Hurd Supp. 1974); Tex. Codes Ann., Education Code 21.455(d) (Vernon Supp. 1974-75).

9. Ann. Laws Mass. ch 71A 5 (Supp. 1973); Ill. Ann. Stat. ch 122, 14C-7 (Smith-Hurd Supp. 1974); Tex. Codes Ann., Education Code 21.454(b) (Vernon Supp. 1974-75).

10. Ann. Laws Mass. ch ulA 1 (Supp. 1973); Ill. Ann. Stat. ch 122, 14C-2 (f) (2) (Smith-Hurd Supp. 1974).

11. Tex. Codes Ann., Education Code 21.454(a) (2) (Vernon Supp. 1974-75).

12. Ann. Laws Mass. ch 71A 3 (Supp. 1973); Ill. Ann. Stat. ch 122, 14C-4 (Smith-Hurd Supp. 1974).